

# House File 639 - Introduced

HOUSE FILE 639

BY JONES

## A BILL FOR

1 An Act modifying provisions applicable to individuals licensed  
2 by the plumbing and mechanical systems board, providing for  
3 state inspections of certain plumbing and mechanical system  
4 installations, and making penalties applicable.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 105.9, subsection 5, Code 2019, is  
2 amended by striking the subsection.

3 Sec. 2. Section 105.18, subsection 2, paragraph a,  
4 subparagraph (1), Code 2019, is amended to read as follows:

5 (1) File an application, which application shall establish  
6 that the person meets the minimum requirements adopted by the  
7 board, including the receipt of a high school diploma or its  
8 equivalent.

9 Sec. 3. Section 105.18, subsection 2, paragraph b,  
10 subparagraph (1), subparagraph division (c), Code 2019, is  
11 amended to read as follows:

12 (c) Provide the board with evidence of having completed  
13 at least four years of practical experience as an apprentice.  
14 Commencing January 1, 2010, the four years of practical  
15 experience required by this subparagraph division must be the  
16 completion of an apprenticeship training program registered by  
17 the United States department of labor office of apprenticeship,  
18 as evidenced by a certificate of completion from the department  
19 of labor.

20 Sec. 4. NEW SECTION. 105.33 State inspection —  
21 applicability.

22 1. The inspection and enforcement provisions of this  
23 chapter shall apply to the following:

24 a. All new installations of plumbing or mechanical systems  
25 for commercial or industrial applications.

26 b. All new installations of plumbing or mechanical systems  
27 for residential applications not including single-family  
28 residential applications.

29 c. All new installations of plumbing or mechanical systems  
30 for single-family residential applications requiring new  
31 plumbing or mechanical systems service equipment.

32 d. Existing installations of plumbing or mechanical  
33 systems observed during inspection which constitute a hazard  
34 to the owner. Existing installations shall not be deemed  
35 to constitute a hazard if the installation when originally

1 installed was installed in accordance with the applicable state  
2 plumbing code or state mechanical code in force at the time of  
3 installation and has been maintained in that condition.

4 2. The inspection and enforcement provisions of this  
5 chapter shall not apply to routine maintenance.

6 Sec. 5. NEW SECTION. 105.34 Plumbing or mechanical  
7 inspectors.

8 1. The board shall establish by rule standards for the  
9 certification and decertification of plumbing and mechanical  
10 inspectors appointed by the state or a political subdivision to  
11 enforce this chapter or any applicable resolution or ordinance  
12 within the inspector's jurisdiction, and for certified plumbing  
13 or mechanical inspector continuing education requirements.

14 2. On and after January 1, 2020, a person appointed to  
15 act as a plumbing or mechanical inspector for a political  
16 subdivision shall obtain an inspector's certificate of  
17 qualification based on the standards established pursuant to  
18 subsection 1 within one year of such appointment and shall  
19 maintain the certificate thereafter for the duration of the  
20 inspector's service as a plumbing or mechanical inspector.

21 Sec. 6. NEW SECTION. 105.35 Request for inspection — fees.

22 1. At or before commencement of any installation required  
23 to be inspected by the board, the licensee or property owner  
24 making such installation shall submit to the board a request  
25 for inspection. The board shall prescribe the methods by which  
26 the request may be submitted, which may include electronic  
27 submission or through a form prescribed by the board that can  
28 be submitted either through the mail or by a fax transmission.  
29 The board shall also prescribe methods by which inspection fees  
30 established pursuant to section 105.40 can be paid, which may  
31 include electronic methods of payment. If the board becomes  
32 aware that a person has failed to file a necessary request for  
33 inspection, the board shall send a written notification by  
34 certified mail that the request must be filed within fourteen  
35 days. Any person filing a late request for inspection shall

1 pay a delinquency fee in an amount to be determined by the  
2 board. A person who fails to file a late request within  
3 fourteen days from receipt of the notification shall be subject  
4 to a civil penalty to be determined by the board by rule.

5 2. Notwithstanding subsection 1, the board may by rule  
6 provide for the issuance of a single permit to a licensee  
7 to request multiple inspections. The permit authorizes  
8 the licensee to perform new plumbing or mechanical system  
9 installations specified in the permit. The board shall  
10 prescribe the methods by which the request for multiple  
11 inspections may be submitted, which may include electronic  
12 submission or through a form prescribed by the board that can  
13 be submitted either through the mail or by a fax transmission.  
14 The board shall also prescribe methods by which inspection  
15 fees established pursuant to section 105.40 can be paid,  
16 which may include electronic methods of payment. The board  
17 may perform inspections of each new plumbing or mechanical  
18 system installation or any portion of the total number of new  
19 plumbing or mechanical system installations made under each  
20 permit. The board shall establish fees for such permits as  
21 provided in section 105.40, which shall not exceed the total  
22 inspection fees that would be required if each new installation  
23 performed under the request for multiple inspections had been  
24 performed under individual requests for inspections as provided  
25 in subsection 1.

26 Sec. 7. NEW SECTION. 105.36 Approval of installation upon  
27 inspection — opportunity to correct noncompliance.

28 1. If an inspector determines that an installation subject  
29 to inspection under this chapter is in compliance with accepted  
30 standards of construction for health safety and property  
31 safety, based upon minimum standards established by the board  
32 pursuant to section 105.39, subsection 3, the inspector shall  
33 approve the installation.

34 2. If an inspector finds that any installation or portion of  
35 an installation is not in compliance with accepted standards of

1 construction for health safety and property safety, based upon  
 2 minimum standards established by the board, the inspector shall  
 3 issue a correction order. A correction order made pursuant to  
 4 this section shall be served personally or by United States  
 5 mail only upon the licensee or property owner making the  
 6 installation. The correction order shall order the licensee  
 7 or property owner to make the installation comply with the  
 8 standards, noting specifically what changes are required. The  
 9 order shall specify a date, not more than seventeen calendar  
 10 days from the date of the order, when a new inspection shall be  
 11 made. When the installation is brought into compliance to the  
 12 satisfaction of the inspector, the inspector shall approve the  
 13 installation.

14     Sec. 8. NEW SECTION. 105.37 **Inspections not required.**

15     1. Nothing in this chapter shall be construed to require  
 16 the work of employees of municipal utilities, railroads, or  
 17 rural water associations or districts to be inspected while the  
 18 employees are acting within the scope of their employment.

19     2. The board may by rule exempt specified types of new  
 20 plumbing or mechanical system installations from state  
 21 inspection which are not described in section 105.33,  
 22 subsection 1, provided that a political subdivision conducting  
 23 inspections pursuant to section 105.38, subsection 1, shall not  
 24 be prohibited from requiring inspection of any new plumbing  
 25 or mechanical system installation exempt by rule from state  
 26 inspection pursuant to this subsection.

27     Sec. 9. NEW SECTION. 105.38 **Inspection by political**  
 28 **subdivisions.**

29     1. State inspection shall not apply within the jurisdiction  
 30 of any political subdivision which provides plumbing or  
 31 mechanical system inspection services for the inspection  
 32 of installations described in section 105.33, subsection  
 33 1, as established in a resolution or ordinance adopted by  
 34 the political subdivision. The political subdivision shall  
 35 provide a copy of the resolution or ordinance establishing

1 such inspection services to the board. Inspection services  
 2 by political subdivisions shall be provided pursuant to the  
 3 current state plumbing code or state mechanical code, as  
 4 applicable. A political subdivision providing inspection  
 5 services pursuant to this subsection may require the inspection  
 6 of plumbing or mechanical system installations which are not  
 7 described in section 105.33, subsection 1, in addition to the  
 8 installations described in section 105.33, subsection 1.

9 2. A political subdivision may choose to discontinue  
 10 performing its own inspections and permit the board to have  
 11 jurisdiction over inspections in the political subdivision.  
 12 If a political subdivision seeks to discontinue its own  
 13 inspections, the political subdivision shall notify the board.

14 3. If a unanimous vote of the board finds that a political  
 15 subdivision's inspections are inadequate by reason of  
 16 misfeasance, malfeasance, or nonfeasance, the board may suspend  
 17 or revoke the political subdivision's authority to perform its  
 18 own inspections, subject to appeal according to section 105.41  
 19 and judicial review pursuant to section 17A.19.

20 4. A political subdivision that performs inspections may  
 21 set appropriate permit fees to pay for such inspections. A  
 22 political subdivision shall not require any person holding  
 23 a license from the board to pay any license fee or take any  
 24 examination if the person holds a current license issued by  
 25 the board which is of a classification equal to or greater  
 26 than the classification needed to do the work proposed. Any  
 27 such political subdivision may provide a requirement that each  
 28 person doing plumbing or mechanical system work within the  
 29 jurisdiction of such political subdivision have on file with  
 30 the political subdivision a copy of the current license issued  
 31 by the board or such other evidence of such license as may be  
 32 provided by the board.

33 Sec. 10. NEW SECTION. 105.39 State inspection —  
 34 procedures.

35 1. An inspection shall be made within three business days

1 of the submission of a request for an inspection as provided  
2 in section 105.35. When necessary, plumbing and mechanical  
3 systems may be connected by the authorized installer prior to  
4 inspection but the installation shall remain subject to any  
5 appropriate restrictions or limitations as determined by the  
6 board.

7 2. Where plumbing or mechanical systems or parts are to be  
8 concealed, the inspector must be notified within a reasonable  
9 time to complete rough-in inspections prior to concealment,  
10 exclusive of Saturdays, Sundays, and holidays. If plumbing  
11 or mechanical systems or parts are concealed before rough-in  
12 inspections without adequate notice having been given to the  
13 inspector, the person responsible for having enclosed the  
14 system or part shall be responsible for all costs resulting  
15 from uncovering and replacing the cover material.

16 3. State inspection procedures and policies shall be  
17 established by the board in accordance with the provisions of  
18 the state plumbing code and state mechanical code adopted by  
19 the board.

20 4. Except when an inspection reveals that an installation or  
21 portion of an installation is not in compliance with accepted  
22 standards of construction for health safety and property  
23 safety, based upon minimum standards established by the board,  
24 an inspector shall not add to, modify, or amend a construction  
25 plan as originally approved by the board in the course of  
26 conducting an inspection.

27 5. Management and supervision of inspectors, including  
28 hiring decisions, disciplinary action, promotions, and work  
29 schedules are the responsibility of the board acting in  
30 accordance with applicable law and pursuant to any applicable  
31 collective bargaining agreement. The board shall determine  
32 work territories, regions, or districts for inspectors  
33 and continuing education and ongoing training requirements  
34 applicable to inspectors. An inspector subject to disciplinary  
35 action pursuant to this subsection shall be entitled to an

1 appeal pursuant to section 105.41 and judicial review pursuant  
2 to section 17A.19.

3     6. The board shall establish an internet-based licensure  
4 verification database for access by a state or local inspector  
5 for verification of licensee status. The database shall  
6 include the name of every person licensed under this chapter  
7 and a corresponding licensure number. Inspectors shall be  
8 authorized to request the name and license number of any person  
9 working at a job site subject to inspection for verification  
10 of licensee status. Licensees under this chapter shall be  
11 required to carry a copy of their current license and photo  
12 identification at all times when employed on a job site for  
13 compliance with this subsection.

14     Sec. 11. NEW SECTION. 105.40 State inspection — fees.

15     1. All state plumbing and mechanical system inspection fees  
16 shall be due and payable to the board at or before commencement  
17 of the installation and shall be forwarded with the request for  
18 inspection. Inspection fees provided in this section shall  
19 not apply within the jurisdiction of any political subdivision  
20 if the political subdivision has adopted an ordinance or  
21 resolution pursuant to section 105.38, subsection 1.

22     2. The board shall establish the fees for inspections  
23 required under this chapter.

24     Sec. 12. NEW SECTION. 105.41 State inspection — complaints  
25 — appeals.

26     1. Any person may file a complaint with the board alleging  
27 a violation of this chapter or rules adopted by the board. The  
28 name of a person who files a complaint with the board shall  
29 remain confidential and shall not be subject to discovery,  
30 subpoena, or other means of legal compulsion for its release  
31 to a person other than board employees or agents involved in  
32 the investigation of the complaint. The board shall establish  
33 procedures for the disposition of complaints received in  
34 accordance with this subsection.

35     2. a. Any person aggrieved by an order of an inspector or



1 the board may appeal the order by filing a written notice of  
2 appeal with the board within ten days after the date the order  
3 was served upon the aggrieved person.

b. Upon receipt of a notice of appeal filed pursuant to subsection 1, the board shall notify all interested parties who may join in the hearing and give testimony on their own behalf. The board shall set the hearing date not more than fourteen days after receipt of the notice of appeal unless otherwise agreed by the interested parties and the board. The chairperson or executive secretary of the board may designate a hearing officer from among the board members to hear the appeal or may set the matter for hearing before the full board at its next regular meeting. A majority of the board shall make the decision on appeals.

### EXPLANATION

16 The inclusion of this explanation does not constitute agreement with  
17 the explanation's substance by the members of the general assembly.

18 This bill modifies provisions in Code chapter 105, which  
19 provides for the licensure and regulation of plumbers,  
20 mechanical professionals, and contractors by the plumbing and  
21 mechanical systems board.

22 Current law provides that in order to be licensed by the  
23 board as an apprentice, a person shall file an application that  
24 establishes that the person meets the minimum requirements  
25 adopted by the board. The bill provides that such minimum  
26 requirements to be established in an application include the  
27 receipt of a high school diploma or its equivalent.

28 Current law provides that in order to be licensed by the  
29 board as a journeyperson, a person shall provide evidence  
30 of completing at least four years of practical experience  
31 as an apprentice through an apprenticeship training program  
32 registered by the United States department of labor. The  
33 bill provides that such requirement must be evidenced by a  
34 certificate of completion from the department of labor.

35 The bill adds provisions in Code chapter 105 which provide

1 for state inspection of certain plumbing or mechanical system  
2 installations described in new Code section 105.33. The bill  
3 provides that state inspection shall not apply to routine  
4 maintenance.

5 New Code section 105.34 requires the board to establish  
6 standards for the certification and decertification of plumbing  
7 and mechanical inspectors appointed by the state or a political  
8 subdivision to enforce the inspection provisions of the bill.

9 New Code section 105.35 establishes procedural requirements  
10 for a licensee or property owner making an installation to  
11 request an inspection and allows the board to adopt rules  
12 providing for the issuance of permits to licensees for multiple  
13 inspections, as described in the bill.

14 New Code section 105.36 provides that if an inspector  
15 determines that an installation is in compliance with the  
16 accepted standards of construction for health safety and  
17 property safety, based on minimum standards established by  
18 the board, the inspector shall approve the installation. If  
19 an inspector finds that an inspection or portion thereof is  
20 not in compliance with such standards, the inspector shall  
21 issue a correction order which orders the licensee or property  
22 owner to make the installation comply with the standards and  
23 provides a date when a new inspection shall be made. When the  
24 installation is brought into compliance, the inspector shall  
25 approve the installation.

26 New Code section 105.37 provides that nothing in the  
27 bill shall be construed to require the work of employees of  
28 municipal utilities, railroads, or rural water associations  
29 or districts to be inspected while acting within the scope of  
30 their employment. The board may by rule exempt specified types  
31 of new installations from the state inspection requirements,  
32 provided that a political subdivision conducting inspections  
33 shall not be prohibited from requiring inspection of such  
34 installations.

35 New Code section 105.38 provides that state inspection shall

1 not apply within the jurisdiction of any political subdivision  
2 which provides inspection services for installations subject  
3 to state inspection, as established in a resolution or  
4 ordinance adopted by the political subdivision. The political  
5 subdivision shall provide a copy of such resolution or  
6 ordinance to the board, and such inspections shall be provided  
7 pursuant to the current state plumbing code or state mechanical  
8 code, as applicable. A political subdivision may require  
9 inspections of installations not subject to state inspection,  
10 in addition to installations subject to state inspection.  
11 Code section 105.38 also includes provisions regarding the  
12 discontinuance of inspections by political subdivisions,  
13 the suspension or revocation of inspections by political  
14 subdivisions, and permit fees established by political  
15 subdivisions to pay for inspections.

16 New Code section 105.39 establishes certain state inspection  
17 procedural requirements, including provisions relating to  
18 inspection timing, installation concealment, state inspection  
19 procedures and policies, construction plan modification,  
20 inspector supervision, and the licensure verification database,  
21 as described in the bill.

22 New Code section 105.40 requires the board to establish  
23 inspection fees, paid to the board at or before the  
24 commencement of an inspection and included with the request for  
25 inspection. Such fees shall not apply to inspections within  
26 political subdivisions which provide for inspections.

27 New Code section 105.41 allows any person to file a  
28 confidential complaint with the board alleging a violation  
29 of the bill or any rule adopted by the board and allows any  
30 person aggrieved by an order of an inspector or the board to  
31 appeal the order by filing a written notice of appeal with the  
32 board within 10 days after the order was served. Code section  
33 105.41 also provides certain procedural requirements for such  
34 an appeal, as described in the bill.

35 Pursuant to current law, the board may impose a civil penalty

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1 up to \$5,000 per offense upon a person who violates the bill,  
2 following notice and an opportunity for a hearing.